

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
15-10338-FDS

UNITED STATES OF AMERICA

v.

OSCAR NOE RECINES-GARCIA, and
JULIO ESAU AVALOS-ALVARADO

INITIAL STATUS REPORT AND
ORDER ON EXCLUDABLE TIME

January 5, 2016

Kelley, M.J.

An initial status conference was held today, January 5, 2016.

The parties report as follows:

1. The government has provided discovery concerning firearms but has not yet been able to provide discovery concerning immigration. The government expects to do that shortly.
2. The defendants require time to receive and review discovery. The parties requested a mid-February date for an interim status conference, and the Court continued the case to Tuesday, February 16, 2016 for that purpose.
3. No protective orders are necessary.
4. If the case is tried, the government will make expert disclosures 30 days before trial and the defendant will make disclosures 15 days before trial. The trial would take less than a week.

5. The parties agree that the time between January 5 and February 16, 2016 should be excluded under the Speedy Trial Act. Accordingly, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A) and Section 5(b)(7)(B) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, Effective December 2008) and Local Rule 112.2(a)(1), the Clerk of this Court enter excludable time for the period from January 5, 2016, to February 16, 2016.¹

/s/ M. Page Kelley
M. PAGE KELLEY
United States Magistrate Judge

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass'n v. Flexel Int'l, 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir. 1993).